



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**August 20, 2018**  
**7:00 p.m.**

**Selectmen Present:** Nancy Carney, Daniel Baker, Charles Kenison

Ms. Carney called the meeting to order at 7 p.m.

**PRIMARY:**

\*\*\* **APPROVE MINUTES**  
- **August 14, 2018**

Mr. Baker made a motion to approve the minutes. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

\*\*\* **APPROVE MANIFESTS**

Mr. Kenison made a motion to approve the manifests. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

\*\*\* **REVIEW SIGNATURE FOLDER** – The Selectmen have reviewed and signed.

\*\*\* **CONSTRUCTION PERMIT**  
- **Map 40, Lot 10 – Demo and Construction**

**Map 40, Lot 10** – Mr. Baker made a motion to approve the Demolition Permit for Map 40, Lot 10. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

**Map 40, Lot 10** – Mr. Baker made a motion to approve the Construction Permit for Map 40, Lot 10. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

**7:15 MEET WITH RICHARD DWINELL**  
- **East Lake Road**

Richard and Mariann Dwinell, Patrick and Luanne Deyo, Jacqueline Wood, and Jim and Cheryl Barker met with the Selectmen to discuss East Lake Road. Mr. Dwinell asked how many Rods the original road (East Lake Road) was when it was built. Mr. Cuomo stated he didn't know. Mr. Dwinell asked that his land be reassessed due to all of the erosion and noted that his property was assessed at \$185,200 and was on 1/10 of an acre. Mr. Dwinell asked about Map 25, Lot 8 with 1.2 acres and assessed at \$179,400. Mr. Dwinell passed out pictures for the Selectmen to review and asked the Selectmen how they would feel if it was their front yard with all of the water coming in. Mr. Dwinell stated there was a serious problem on East Lake Road and that he also has water in the cellar, the wall to wall carpet was wet and there was a crack in the foundation. Mr. Dwinell noted there wasn't a problem until the paving was done. Mr. Dwinell asked who decided to pitch the road. Mr. Baker stated the pitch didn't change. Mr. Dwinell stated the road never had a crown, there was never water in his basement, the garage was eroding and rocks were falling in. Mr. Dwinell shared this was seen during the site walk. Mr. Dwinell mentioned that the irrigation system he had installed now shows the plastic pipes. Mr. Baker noted the amount of rain we've had in a short period of time. Mr. Dwinell discussed not having issues in the past. Mr. Dwinell mentioned the other issues he was having because of the water. Mrs. Dwinell shared it happened in May. Ms. Carney asked if anything happened last year in June, July or August. Mrs. Dwinell responded there wasn't as much water.

Mr. Baker shared that the Town's counsel was contacted and the Selectmen were advised that they shouldn't do anything because it would be suspect. Mr. Baker stated that normal maintenance was done. Mr. Baker mentioned the time of the

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event had to be brought to the Selectmen's attention within six months. Mr. Dwinell stated he wasn't going to let it go at that and he would think the Town was responsible. Mr. Baker shared if all that was done was to pave the road, counsel stated the Town has no liability. Mr. Dwinell stated the pitch was changed and his garage and house were gone. Mr. Dwinell mentioned that Mr. Barker can't use his garage. Mr. Baker stated the road was repaved last July and last week there was 10 inches of rain. Mr. Dwinell noted the pictures he showed the Selectmen were taken in October. Both Mr. Baker and Mr. Kenison were under the impression they were taken this year. Mr. Baker noted that if something was changed dimensionally that created the water issue that was different than general paving, for which the Town has no liability.

Mr. Barker asked if the State and the Shorelands could help them out with the pitch of the road. Mr. Baker discussed what he would do if it was his property. Mr. Barker shared if Mr. Dwinell put up gutters, it would divert the water into his yard. Mr. Dwinell stated that they lived with what happened before but they are not going to live with it now. Ms. Wood mentioned that she has gutters and a dry well and it wasn't taking care of the problem. Mr. Kenison and Ms. Favreau mentioned they also have a lot of water and have never had that problem before.

Mrs. Barker stated nothing was going into the culverts. Mr. Deyo asked if the State could help. Mr. Baker stated he wasn't sure. Mr. Deyo asked if something was done during the six month time frame. Mr. Baker stated per counsel, if the complaint was done within six months or the Town did something that directed the water some place. Mr. Deyo shared that it is important and has an impact at the lake. Mr. Deyo asked about a grandfather clause, if something was different and noted it was. Mr. Deyo shared that he understood the six months but if it didn't rain. Mr. Dwinell stated the pitch coming down East Lake Road wasn't the same. Mr. Cuomo stated they followed what was there and took out the ruts. Mr. Cuomo noted there were differences in the pitch as it always has been, the road was worn out and there were wheel ruts. Mr. Cuomo noted the actual profile of the road was close. Mr. Kenison asked if when resurfacing the road they try to conserve material and the attempt was to get the water off of the road quickly. Mr. Deyo mentioned that everyone was saying something changed but it didn't get reported within six months. Mr. Dwinell mentioned the road was not the same pitch at the beginning to where they live. Mr. Cuomo agreed that it doesn't because it follows the road. Mr. Cuomo shared that the profile of the road didn't change and was uniform – it was made more uniform with regard to the width. Mr. Baker mentioned they had measured the pitch and it was within specs. Mr. Barker shared that he disagreed, it was lower and now was higher.

Mr. Cuomo asked where they felt the water should go. They agreed it should go in the gutter. Mr. Dwinell noted the culvert at the Brooks property was where the water should go and it doesn't. Mr. Cuomo asked if all of the water should go on the east side. Mr. Dwinell stated a drain was needed. Mr. Cuomo stated that would fall under changing the road and asked about a swale. Discussion was held on pitching the road towards the drainage, not being how you build a road, getting water off of the road quickly, the garage door freezing, raising the garage and needing to go to zoning. Mr. Cuomo stated he would do what he was told. Mrs. Barker stated that the Town was concerned and was having Ms. Wood do all of the precautions.

Mr. Cuomo shared that anything that has happened this year was unusual and mentioned that he has roads that have been under water for two weeks. Mr. Cuomo stated he repaved what was there and noted in 1980 the road was repaved and changed drastically. Mr. Barker asked was there nothing the Selectmen could do. Mr. Baker explained on the advice of counsel, the Selectmen were told not to do anything, as it could cause liability. Mr. Dwinell mentioned that something was done for Joe Sauvageau on Warren Hill. Mr. Dwinell asked Mr. Cuomo to explain why he put the culvert in. Mr. Cuomo shared that he was asked to smooth out the road. Mr. Sauvageau asked Mr. Cuomo if he had an old piece of pipe, which Mr. Cuomo had and put in. Mr. Cuomo stated nothing changed and there was a ditch there – in the Town's right-of-way. There was no change to the pitch. Mr. Dwinell thanked Mr. Cuomo.

Mr. Dwinell stated this is how it ends, we are on our own. Mrs. Dwinell asked what they needed to do. Mr. Dwinell told the Selectmen to contact Mr. Hoppock to let him know that his lawyer would be contacting him and there would be some ethics committee involved. Mr. Dwinell stated he would expose the Town for what it is.

Mr. Dwinell thanked the gentlemen and ladies for their time.

### 7:30 MEET WITH ROSS TOURIGNY

Mr. Kenison shared that the Selectmen would be meeting with Mr. Tourigny but asked beforehand what constituted "residency" for a Planning Board position. Ms. Favreau read the RSA that states the person must live in the town.

Ross Tourigny and Suzanne Gray met with the Selectmen. Mr. Tourigny shared that he would be leaving town, as he and his wife were moving ahead with their plans. Mr. Tourigny asked what would be a good exit plan. Mr. Tourigny stated he wouldn't reside in Town and therefore he has no business sitting as chair. Mr. Tourigny shared the Planning Board was in a position with a good Land Use Administrative Assistant and the Board would do very well, although there might be some push back. Mr. Tourigny and Ms. Gray discussed the Planning Board's Rules of Procedure and discussed some issues due to the lack of clarity and procedural shortcomings. There is an issue on residency; what is the process when a chair has to leave; having no protocols that state it has to be done and wasn't done at the last meeting; and having vacancies of Officers. It was noted that the Planning Board needed to change their Rules of Procedure to make clearer. Mr. Tourigny asked the Selectmen to define

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residency. Ms. Favreau shared the RSA. Mr. Tourigny stated he had a clear understanding what that meant. Mr. Baker shared they have heard there is someone that isn't a resident. Mr. Baker stated whomever wasn't a resident needed to get off of the Planning Board. Mr. Baker asked what happened to the cases. Could they be challenged?

Mr. Tourigny shared there were two vacancies and there are also no alternates. Mr. Baker asked about quorum and Ms. Gray stated they needed 4 with a Board of 7. Mr. Tourigny noted that a stable board needed to be in place for someone to want to serve and he didn't feel the Board was there. Mr. Baker asked Mr. Tourigny for his timeframe. Mr. Tourigny anticipated 30 days. Ms. Favreau stated the first step was to come up with names of alternates so they could be appointed. Mr. Baker asked what Mr. Tourigny meant when he mentioned a stable board. Mr. Tourigny stated it was tumultuous. Ms. Carney suggested that for tomorrow's night's Planning Board meeting that members be asked for suggestions on who could fill the vacancies and this information would also be put on the Town's website. Ms. Favreau mentioned Phyllis Trask. Mr. Tourigny would contact her. Mr. Tourigny shared the Selectmen have brought up something they haven't discussed – vacancies. Ms. Gray would talk with Carlotta Pini. Mr. Tourigny explained that being chair was taking more time than he has available and he thought that Ms. Gray should have been named chair. Ms. Carney asked what the case load was now. Mr. Tourigny shared they only had preliminary things. Mr. Tourigny shared there hasn't been any discussion on Prime Wetlands or Shorelands Protection. Ms. Gray mentioned that they have heard from a new solar company. Ms. Carney shared the Selectmen haven't seen any solar representatives in over a year.

Ms. Carney suggested asking the alternates to sit in while looking for new members to appoint to the vacant positions. Ms. Gray stated she would ask the members of the Economic Committee if they had any suggestions. Ms. Gray asked if Mr. Baker and Ms. Carney would be able to attend tomorrow night's meeting, in addition to Mr. Kenison, to discuss the residency question. Ms. Carney shared she wasn't available. Mr. Tourigny felt it was a bad time to have to have the discussion but because of the transition it would become problematic. Mr. Tourigny discussed what has been happening and mentioned that it needed to stop. Mr. Tourigny gave Ms. Favreau a legal definition of residency.

Mr. Baker asked if there was a procedure for voting in a new chair – once a year. Mr. Baker asked about waiting until next year to vote for a chair and until then have the vice chair serve. Mr. Tourigny felt it should happen now. Mr. Kenison asked Ms. Gray if they were going to change the procedures at Tuesday's meeting. Mr. Tourigny shared that it wouldn't be a good time. A lengthy discussion was held regarding the procedural shortcomings.

The Selectmen thanked them for coming in.

### \*\*\* CIP MEMBER

Ms. Favreau shared a member at large was needed, since Mr. Kenison was the member at-large.

### \*\*\* RESIDENT ISSUES WITH CONSOLIDATED COMMUNICATIONS

Mr. Baker shared that several residents have complained about Consolidated Communications for both phone and internet issues. Mr. Baker asked if the Selectmen could send them a letter about resident complaints regarding service and for them to provide a response that the residents can understand. The Selectmen agreed to have an inquiry letter sent asking for any information that the Selectmen could pass on.

### \*\*\* RECOMMENDATIONS FOR ROAD SURFACE MANAGEMENT COMMITTEE

Ms. Carney asked how many people were needed and she reviewed the e-mail.

### \*\*\* SIGN PERMIT APPLICATION

Ms. Carney shared the Library wanted to put up a new double sided sign. Ms. Favreau would make sure they have gone before the Historical Commission.

**Map 32, Lot 50** – Mr. Baker made a motion to approve the Sign Permit for Map 32, Lot 50. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney – Yes, Mr. Kenison – Yes. Approved – 3-0

### \*\*\* REQUEST FROM RECREATION DEPARTMENT

Ms. Carney reviewed the request of Cindi Beede, Recreation Coordinator. The Recreation Commission recommended that painted dots be allowed at the court to help with the dimensions for pickleball.

Mr. Baker made a motion to approve the Recreation Commission's recommendation. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney – Yes, Mr. Kenison – Yes. Approved – 3-0

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### \*\*\* REQUEST FOR CANDIDATE TO CANVAS AT THE TRANSFER STATION

Ms. Carney reviewed the request for permission from Mark Fernald, who is running for State Senate in District 9, to do canvassing at the transfer station.

Mr. Baker made a motion to allow the candidate to canvass the transfer station. Mr. Kenison seconded.

Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

### \*\*\* STEEPLE PROJECT

Mr. Baker shared he hasn't had a chance to talk with Jay Southgate due to a death in Mr. Southgate's family. Mr. Baker discussed what he wanted to get clarification on, which was understanding the time frame and the urgency to getting the steeple off. Mr. Baker thought it was easier to cover and secure the roof with the steeple off. The Selectmen are concerned about getting the steeple down to eliminate the danger of it coming down on its own.

### \*\*\* NON-PUBLIC RSA 91-A:3 II(a) – Employee Step Increase

At 8:33 p.m. Ms. Carney made a motion to go into non-public session under RSA 91-A:3 II(a). Mr. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

At 8:34 p.m. Ms. Carney made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

### OTHER BUSINESS:

Ms. Favreau asked the Selectmen to stop in at the old post office, if they see someone working. Ms. Favreau and the Selectmen discussed.

**-RETURNED LETTER – LYDIA FORD** – Ms. Carney stated the next and last step was to put a classified ad in the notice section of the Sentinel. Ms. Favreau would research the language needed for the ad. The Selectmen agreed.

**-NHMA POLICIES** – The Selectmen reviewed.

**-TURNKEY LUMBER – FAILURE TO CONDUCT PERIODIC TESTING** – The Selectmen reviewed and discussed.

**-E-MAIL REGARDING STONE POND DAM** – The State is working with Thom Hanna, the owner's representative.

### ON-GOING BUSINESS:

**August Meeting Schedule: 7:00 pm – Monday – August 20, 2018**

**7:00 pm – Monday – August 27, 2018**

Mr. Kenison made a motion to adjourn the meeting at 8:40 p.m. Mr. Baker seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Nancy Carney, Chairman

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Daniel Baker

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Charles Kenison  
Board of Selectmen